



# House of Representatives

General Assembly

**File No. 351**

February Session, 2016

Substitute House Bill No. 5412

*House of Representatives, March 31, 2016*

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING RECOMMENDATIONS BY THE  
DEPARTMENT OF MOTOR VEHICLES REGARDING HAZARDOUS  
MATERIALS, CAR DEALERS, STUDENT TRANSPORTATION  
VEHICLE OPERATORS, DIVERSION PROGRAMS AND MOTOR  
VEHICLE INSPECTORS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1      Section 1. (NEW) (*Effective October 1, 2016*) (a) Any person who  
2      engages in interstate or intrastate commerce on the highways of this  
3      state and transports hazardous materials, as defined in 49 CFR 171.8,  
4      shall comply with the provisions of 49 CFR Parts 105 to 173, inclusive,  
5      and 49 CFR Parts 177 to 180, inclusive.
- 6      (b) Except as otherwise provided in subsection (c) of this section,  
7      any person described in subsection (a) of this section who violates any  
8      provision of 49 CFR 107.620, 49 CFR 171, Subpart A, 49 CFR 172,  
9      Subparts A to I, inclusive, 49 CFR 173, Subparts A to G, inclusive, 49  
10     CFR 177, Subparts A to E, inclusive, 49 CFR 178, Subparts A to C,  
11     inclusive, H and J to S, inclusive, or 49 CFR 180, Subparts A and C to

12 G, inclusive, shall have committed an infraction.

13 (c) Any person described in subsection (a) of this section who  
14 violates any provision of 49 CFR 172.505(a), 49 CFR 172.507(a), 49 CFR  
15 173.24(b) or 49 CFR 177.835 shall, for a first offense, be guilty of a class  
16 D misdemeanor and, for any subsequent offense of the same provision,  
17 be guilty of a class A misdemeanor.

18 (d) A motor vehicle inspector, designated under section 14-8 of the  
19 general statutes and certified pursuant to section 7-294d of the general  
20 statutes, or a state or municipal police officer, shall enforce the  
21 provisions of this section, provided such inspector or officer (1) has  
22 inspection authority pursuant to section 14-163c-9 of the regulations of  
23 Connecticut state agencies, and (2) has satisfactorily completed a  
24 course of instruction in specialized hazardous materials provided by  
25 the United States Department of Transportation Federal Motor Carrier  
26 Safety Administration.

27 Sec. 2. Subsection (c) of section 14-44a of the general statutes is  
28 repealed and the following is substituted in lieu thereof (*Effective July*  
29 *1, 2016*):

30 (c) Any person who violates the provisions of subsection (a) of this  
31 section shall operate a motor vehicle in violation of the classification of  
32 the license issued to [him] such person, and shall be subject to the  
33 penalties provided in subsection [(f)] (g) of section 14-36a and section  
34 14-44k.

35 Sec. 3. Subsection (a) of section 14-52a of the general statutes is  
36 repealed and the following is substituted in lieu thereof (*Effective July*  
37 *1, 2016*):

38 (a) The commissioner may, after notice and hearing, refuse to grant  
39 or renew a license to a person, firm or corporation to engage in the  
40 business of selling or repairing motor vehicles pursuant to the  
41 provisions of section 14-52 if the applicant for or holder of such a  
42 license, or an officer or major stockholder if the applicant or licensee is

43 a firm or corporation, has been convicted of a violation of any  
44 provision of laws pertaining to the business of a motor vehicle dealer  
45 or repairer including a motor vehicle recycler, or of any violation  
46 involving fraud, larceny or deprivation or misappropriation of  
47 property, in the courts of the United States or of any state. [At the time  
48 of application for or renewal of such a license, each applicant or] Each  
49 applicant for such a license shall submit to a state criminal history  
50 records check, conducted in accordance with section 29-17a and based  
51 on the applicant's name and date of birth, not more than thirty days  
52 before such application is made and provide the results of such records  
53 check to the Department of Motor Vehicles. Upon renewal of such  
54 license, such licensee shall make full disclosure of any such conviction  
55 [within the last five years] under penalty of false statement.

56 Sec. 4. Section 14-54 of the general statutes is repealed and the  
57 following is substituted in lieu thereof (*Effective July 1, 2016*):

58 [(a) Any person who desires to obtain a license for dealing in or  
59 repairing motor vehicles in a municipality having a population of no  
60 less than twenty thousand shall first obtain and present to the  
61 commissioner a certificate of approval of the location for which such  
62 license is desired from the board or authority designated by local  
63 charter, regulation or ordinance of the town, city or borough wherein  
64 the business is located or is proposed to be located, except that in any  
65 town or city having a zoning commission, combined planning and  
66 zoning commission and a board of appeals, such certificate shall be  
67 obtained from the zoning commission. The provisions of this section  
68 do not apply to (1) a transfer of ownership to a spouse, child, brother,  
69 sister or parent of a licensee, (2) a transfer of ownership to or from a  
70 corporation in which a spouse, child, brother, sister or parent of a  
71 licensee has a controlling interest, or (3) a change in ownership  
72 involving the withdrawal of one or more partners from a partnership.]

73 [(b)] Any person who desires to obtain a license for dealing in or  
74 repairing motor vehicles [in a municipality with a population of less  
75 than twenty thousand] shall first obtain and present to the

76 commissioner a certificate of approval of the location for which such  
77 license is desired from the board or authority designated by local  
78 charter, regulation or ordinance of the town, city or borough wherein  
79 the business is located or is proposed to be located, except that in any  
80 town or city having a zoning commission, combined planning and  
81 zoning commission and a board of appeals, such certificate shall be  
82 approved by the board of appeals. In addition thereto, such certificate  
83 shall be approved by the [chief of police where there is an organized  
84 police force or, where there is none, by the commander of the state  
85 police barracks situated nearest to such proposed location] local  
86 building official and local fire marshal. The provisions of this section  
87 shall not apply to (1) a transfer of ownership to a spouse, child,  
88 brother, sister or parent of a licensee, (2) a transfer of ownership to or  
89 from a corporation in which a spouse, child, brother, sister or parent of  
90 a licensee has a controlling interest, or (3) a change in ownership  
91 involving the withdrawal of one or more partners from a partnership.

92 Sec. 5. Subsection (b) of section 14-61 of the 2016 supplement to the  
93 general statutes is repealed and the following is substituted in lieu  
94 thereof (*Effective October 1, 2016*):

95 (b) The commissioner [may] shall require any dealer who is  
96 authorized to issue a temporary transfer of registration in accordance  
97 with subsection (a) of this section or a new registration in accordance  
98 with subsection (c) of section 14-12 to file each application for a  
99 permanent registration [by electronic transmission of an electronic  
100 record] electronically if the commissioner determines that the dealer  
101 files, on average, [ten] seven or more such applications for permanent  
102 registration each month with the Department of Motor Vehicles. [The  
103 provisions of this subsection do not preclude any such dealer from  
104 filing an application for a permanent registration in person at any  
105 branch office of the department.] Any dealer may make a written  
106 request to the commissioner for an exemption from filing such  
107 applications electronically due to a hardship, including, but not limited  
108 to, a lack of access to a device capable of communicating electronically.  
109 The commissioner may enter into an agreement with one or more

110 nonprofit associations or organizations representing the interests of  
 111 motor vehicle dealers to file such applications electronically on behalf  
 112 of such dealer. The commissioner may authorize such nonprofit  
 113 association or organization to charge a convenience fee, in an amount  
 114 to be determined by the commissioner, to each dealer for an  
 115 application submitted electronically by such nonprofit association or  
 116 organization.

117 Sec. 6. Subsection (g) of section 14-227b of the general statutes is  
 118 repealed and the following is substituted in lieu thereof (*Effective July*  
 119 *1, 2016*):

120 (g) If such person contacts the department to schedule a hearing, the  
 121 department shall assign a date, time and place for the hearing, which  
 122 date shall be prior to the effective date of the suspension, except that,  
 123 with respect to a person whose operator's license or nonresident  
 124 operating privilege is suspended in accordance with subdivision (2) of  
 125 subsection (e) of this section, such hearing shall be scheduled not later  
 126 than thirty days after such person contacts the department. At the  
 127 request of such person, [or] the hearing officer or the department and  
 128 upon a showing of good cause, the commissioner may grant one or  
 129 more continuances. The hearing shall be limited to a determination of  
 130 the following issues: (1) Did the police officer have probable cause to  
 131 arrest the person for operating a motor vehicle while under the  
 132 influence of intoxicating liquor or any drug or both; (2) was such  
 133 person placed under arrest; (3) did such person refuse to submit to  
 134 such test or analysis or did such person submit to such test or analysis,  
 135 commenced within two hours of the time of operation, and the results  
 136 of such test or analysis indicated that such person had an elevated  
 137 blood alcohol content; and (4) was such person operating the motor  
 138 vehicle. In the hearing, the results of the test or analysis shall be  
 139 sufficient to indicate the ratio of alcohol in the blood of such person at  
 140 the time of operation, provided such test was commenced within two  
 141 hours of the time of operation. The fees of any witness summoned to  
 142 appear at the hearing shall be the same as provided by the general  
 143 statutes for witnesses in criminal cases. Notwithstanding the

144 provisions of subsection (a) of section 52-143, any subpoena  
145 summoning a police officer as a witness shall be served not less than  
146 seventy-two hours prior to the designated time of the hearing.

147 Sec. 7. Subsection (j) of section 14-227b of the general statutes is  
148 repealed and the following is substituted in lieu thereof (*Effective July*  
149 *1, 2016*):

150 (j) Notwithstanding the provisions of subsections (b) to (i),  
151 inclusive, of this section, any police officer who obtains the results of a  
152 chemical analysis of a blood sample taken from or a urine sample  
153 provided by an operator of a motor vehicle involved in an [accident]  
154 incident who suffered or allegedly suffered physical injury in such  
155 [accident,] incident or [is] was otherwise deemed by a police officer to  
156 require treatment or observation at a hospital, shall notify the  
157 Commissioner of Motor Vehicles and submit to the commissioner a  
158 written report if such results indicate that such person had an elevated  
159 blood alcohol content, and if such person was arrested for violation of  
160 section 14-227a in connection with such [accident] incident. The report  
161 shall be made on a form approved by the commissioner containing  
162 such information as the commissioner prescribes, and shall be  
163 subscribed and sworn to under penalty of false statement, as provided  
164 in section 53a-157b, by the police officer. The commissioner may, after  
165 notice and an opportunity for hearing, which shall be conducted by a  
166 hearing officer on behalf of the commissioner in accordance with  
167 chapter 54, suspend the motor vehicle operator's license or nonresident  
168 operating privilege of such person for the appropriate period of time  
169 specified in subsection (i) of this section and require such person to  
170 install and maintain an ignition interlock device for the appropriate  
171 period of time prescribed in subsection (i) of this section. Each hearing  
172 conducted under this subsection shall be limited to a determination of  
173 the following issues: (1) Whether the police officer had probable cause  
174 to arrest the person for operating a motor vehicle while under the  
175 influence of intoxicating liquor or drug or both; (2) whether such  
176 person was placed under arrest; (3) whether such person was  
177 operating the motor vehicle; (4) whether the results of the analysis of

178 the blood or urine of such person indicate that such person had an  
179 elevated blood alcohol content; and (5) in the event that a blood  
180 sample was taken, whether the blood sample was obtained in  
181 accordance with conditions for admissibility and competence as  
182 evidence as set forth in subsection (k) of section 14-227a. If, after such  
183 hearing, the commissioner finds on any one of the said issues in the  
184 negative, the commissioner shall not impose a suspension. The fees of  
185 any witness summoned to appear at the hearing shall be the same as  
186 provided by the general statutes for witnesses in criminal cases, as  
187 provided in section 52-260.

188 Sec. 8. Section 14-227k of the general statutes is repealed and the  
189 following is substituted in lieu thereof (*Effective July 1, 2016*):

190 (a) No person whose right to operate a motor vehicle has been  
191 restricted pursuant to an order of the court under subsection (b) of  
192 section 14-227j, [or] by the Commissioner of Motor Vehicles [pursuant  
193 to subsection (i) of section 14-227a or subsection (i) of section 14-111] or  
194 by any provision of law that requires the use of an ignition interlock  
195 device shall (1) request or solicit another person to blow into an  
196 ignition interlock device or to start a motor vehicle equipped with an  
197 ignition interlock device for the purpose of providing such person with  
198 an operable motor vehicle, or (2) operate any motor vehicle not  
199 equipped with a functioning ignition interlock device or any motor  
200 vehicle that a court has ordered such person not to operate.

201 (b) No person shall tamper with, alter or bypass the operation of an  
202 ignition interlock device for the purpose of providing an operable  
203 motor vehicle to a person whose right to operate a motor vehicle has  
204 been restricted pursuant to an order of the court under subsection (b)  
205 of section 14-227j, [or] by the Commissioner of Motor Vehicles  
206 [pursuant to subsection (i) of section 14-227a or subsection (i) of section  
207 14-111] or by any provision of law that requires the use of an ignition  
208 interlock device.

209 (c) (1) Any person who violates any provision of subdivision (1) of  
210 subsection (a) or subsection (b) of this section shall be guilty of a class

211 C misdemeanor.

212 (2) Any person who violates any provision of subdivision (2) of  
213 subsection (a) of this section shall be subject to the penalties set forth in  
214 subsection (c) of section 14-215.

215 (d) Each court shall report each conviction under subsection (a) or  
216 (b) of this section to the Commissioner of Motor Vehicles, in  
217 accordance with the provisions of section 14-141. The commissioner  
218 shall suspend the motor vehicle operator's license or nonresident  
219 operating privilege of the person reported as convicted for a period of  
220 one year.

221 Sec. 9. Subsection (b) of section 14-275c of the general statutes is  
222 repealed and the following is substituted in lieu thereof (*Effective July*  
223 *1, 2016*):

224 (b) The commissioner shall adopt regulations, in accordance with  
225 the provisions of chapter 54, governing (1) the inspection, registration,  
226 operation and maintenance of motor vehicles used by any carrier to  
227 transport students, and (2) the licensing of operators of such vehicles.  
228 A person who has attained the age of seventy shall be allowed to hold  
229 a license endorsement for the purpose of operating a motor vehicle to  
230 transport children requiring special education provided such person  
231 meets the minimum physical requirements set by the commissioner  
232 and agrees to submit to a physical examination by a medical examiner,  
233 certified in accordance with 49 CFR 390.109, at least [twice a year or  
234 when] annually or more frequently if requested to do so by such  
235 medical examiner or the superintendent of the school system in which  
236 such person intends to operate such vehicle.

237 Sec. 10. Subsection (a) of section 17a-696 of the general statutes is  
238 repealed and the following is substituted in lieu thereof (*Effective*  
239 *October 1, 2016*):

240 (a) The provisions of this section shall not apply to any person  
241 charged with a violation of section 14-227a, 14-227g, 53a-56b or 53a-



242 60d or with a class A, B or C felony or to any person who was twice  
243 previously ordered treated under this section, subsection (i) of section  
244 17-155y, section 19a-386 or section 21a-284 of the general statutes  
245 revised to 1989, or any combination thereof. The court may waive the  
246 ineligibility provisions of this subsection for any person, except that  
247 the court shall not waive the ineligibility provisions of this subsection  
248 for any person charged with a violation of section 14-227a, 14-227g,  
249 53a-56b or 53a-60d if, at the time of the offense, such person was  
250 operating a commercial vehicle, as defined in section 14-1, or held a  
251 commercial driver's license or a commercial driver's instruction  
252 permit.

253 Sec. 11. Subsection (b) of section 53a-217b of the general statutes is  
254 repealed and the following is substituted in lieu thereof (*Effective*  
255 *October 1, 2016*):

256 (b) The provisions of subsection (a) of this section shall not apply to  
257 the otherwise lawful possession of a firearm (1) by a person for use in a  
258 program approved by school officials in or on such school property or  
259 at such school-sponsored activity, (2) by a person in accordance with  
260 an agreement entered into between school officials and such person or  
261 such person's employer, (3) by a peace officer, as defined in  
262 subdivision (9) of section 53a-3, while engaged in the performance of  
263 such peace officer's official duties, [or] (4) by a person while traversing  
264 such school property for the purpose of gaining access to public or  
265 private lands open to hunting or for other lawful purposes, provided  
266 such firearm is not loaded and the entry on such school property is  
267 permitted by the local or regional board of education, or (5) by a motor  
268 vehicle inspector, designated under section 14-8 and certified pursuant  
269 to section 7-294d, while engaged in the performance of such motor  
270 vehicle inspector's official duties.

271 Sec. 12. (NEW) (*Effective from passage*) (a) Commencing January 15,  
272 2017, and annually thereafter, the Department of Motor Vehicles shall  
273 submit a report, in accordance with the provisions of section 11-4a of  
274 the general statutes, to the joint standing committee of the General

275 Assembly having cognizance of matters relating to the Department of  
 276 Motor Vehicles. Such annual report shall (1) identify specific goals  
 277 indicating acceptable waiting times at the main office and branch  
 278 offices of the department, (2) summarize actions undertaken by the  
 279 department in the previous year to achieve such goals, and (3) include  
 280 a strategy to achieve or exceed such goals in the upcoming year. The  
 281 joint standing committee may hold a public hearing on such report not  
 282 later than thirty days after receipt of such report. The Commissioner of  
 283 Motor Vehicles, or the commissioner's designee, shall testify at any  
 284 such public hearing.

285 (b) Commencing August 15, 2016, and monthly thereafter, the  
 286 Department of Motor Vehicles shall submit a report, in accordance  
 287 with the provisions of section 11-4a of the general statutes, to the joint  
 288 standing committee of the General Assembly having cognizance of  
 289 matters relating to the Department of Motor Vehicles on the length of  
 290 waiting times at the main office and branch offices of the department.  
 291 Such report shall include the following information for the month  
 292 prior to the month in which the report is submitted: (1) For the main  
 293 office and each branch office of the department that utilizes a  
 294 numbered ticketing system, (A) the average time that elapses from the  
 295 time a person receives a numbered ticket to the time such person  
 296 receives customer service, (B) whether the average waiting time  
 297 decreased or increased from the previous reporting period, and (C) the  
 298 number of transactions conducted at such offices that could have been  
 299 conducted on the Internet web site of the department; and (2) the  
 300 number of transactions conducted on the Internet web site of the  
 301 department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	New section
Sec. 2	July 1, 2016	14-44a(c)
Sec. 3	July 1, 2016	14-52a(a)
Sec. 4	July 1, 2016	14-54
Sec. 5	October 1, 2016	14-61(b)

Sec. 6	<i>July 1, 2016</i>	14-227b(g)
Sec. 7	<i>July 1, 2016</i>	14-227b(j)
Sec. 8	<i>July 1, 2016</i>	14-227k
Sec. 9	<i>July 1, 2016</i>	14-275c(b)
Sec. 10	<i>October 1, 2016</i>	17a-696(a)
Sec. 11	<i>October 1, 2016</i>	53a-217b(b)
Sec. 12	<i>from passage</i>	New section

***Statement of Legislative Commissioners:***

In Section 1, each reference to a federal regulation was revised for accuracy and consistency with the drafting conventions of the general statutes, in Section 3, "for such a license" was added for clarity and in Section 12(b), "point at which" was changed to "time" for clarity.

***TRA***      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 17 \$</b>	<b>FY 18 \$</b>
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill expands the law on tampering with an ignition interlock device and results in a potential revenue gain from additional violations of the law. In FY 15 there were 74 violations that resulted in 14 fines totaling \$7,100.

In addition, the bill extends participation in the drug and alcohol program to specified offenses. Participants pay a \$550-\$700 fee to the Pretrial Drug and Alcohol Education program to cover their cost.

The bill also precludes the court from granting eligibility to the Pretrial Drug and Alcohol Education Program to drivers who hold a commercial driver's license (CDL) and are charged with certain crimes. Instead these offenders will receive a criminal fine and probation or incarceration. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

Lastly, the bill requires the Department of Transportation to submit

to the Transportation Committee monthly and annual reports on wait times at DMV offices which does not result in a fiscal impact.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 5412*****AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES REGARDING HAZARDOUS MATERIALS, CAR DEALERS, STUDENT TRANSPORTATION VEHICLE OPERATORS, DIVERSION PROGRAMS AND MOTOR VEHICLE INSPECTORS.*****SUMMARY:**

This bill requires motor vehicle dealers and repairers to undergo state criminal history records checks (§ 3), generally requires dealers that submit at least seven registrations monthly to the Department of Motor Vehicles (DMV) do so electronically (§ 5), and makes other changes in motor vehicle laws. Among these are the following:

1. requiring commercial drivers transporting hazardous materials to comply with federal regulations on these materials and making a violation an infraction or misdemeanor, depending on the severity of the violation and the number of offenses (§ 1);
2. merging two different procedures for local approval of motor vehicle dealership and repair locations and requiring applicants to obtain the approval of a local building official and fire marshal rather than state or local police (§ 4);
3. allowing DMV to request continuances of an administrative per se hearing on a showing of good cause (§ 6);
4. expanding, to individuals charged with any crime requiring the use of ignition interlock devices, a prohibition against bypassing or tampering with them (§ 8);
5. changing medical requirements for school bus drivers age 70 and older (9);

6. barring a court from suspending the prosecution of, and ordering treatment for, people found to be drug or alcohol dependent if they operated a commercial motor vehicle or held a commercial driver's license (CDL) when they were charged with certain crimes (§ 10);
7. allowing motor vehicle inspectors performing their official duties to carry weapons on school grounds (§ 11); and
8. requiring DMV to report annually and monthly to the Transportation Committee on office wait times (§ 12).

It also corrects an incorrect statutory reference (§ 2) and makes a technical change regarding police reporting requirements when making certain drunk driving arrests (§ 7).

EFFECTIVE DATE: July 1, 2016, except for the provisions (1) on transporting hazardous materials, filing motor vehicle registrations, suspending certain prosecutions, and allowing motor vehicle inspectors to carry weapons on school grounds, which are effective October 1, 2016, and (2) requiring DMV to report on office wait times, which is effective on passage.

## **§ 1 — TRANSPORTING HAZARDOUS MATERIALS**

The bill requires commercial drivers who transport hazardous materials on state highways to comply with federal hazardous material regulations. It requires motor vehicle inspectors and state and municipal police to enforce the regulations, provided they have the proper authority and training.

The bill makes violations of certain federal regulations an infraction (see BACKGROUND on infractions) or a class D or class A misdemeanor, depending on the type of offense and the number of offenses committed. Under the bill, an infraction includes, among other things, failing to meet recordkeeping, shipping, packaging, labeling, placarding, or security requirements.

Misdemeanors include not properly displaying placards identifying cargoes of poisonous or radioactive materials (49 CFR 172.505 (a) & 172.507 (a)); improper packaging that allows the release of hazardous materials (49 CFR 173.24 (b)); and failing to exercise care in loading or unloading explosives (49 CFR 177.835). A first offense is a class D misdemeanor, punishable by up to 30 days in prison, a maximum \$250 fine, or both. Each subsequent offense is a class A misdemeanor, punishable by up to one year in prison, a maximum \$2,000 fine, or both.

By law, motor vehicle inspectors and state and municipal police may inspect vehicles for violations of federal hazardous material regulations (CGS § 14-163c (d)). The bill requires inspectors and police to enforce the hazardous materials provisions, provided they are authorized by DMV regulations to conduct such inspections (see BACKGROUND on inspection authority) and have satisfactorily completed a Federal Motor Carrier Safety Administration (FMCSA) course in specialized hazardous materials.

### **§ 3 — MOTOR VEHICLE DEALER CRIMINAL HISTORY RECORDS CHECK**

By law, the DMV commissioner may refuse to grant or renew a motor vehicle dealer or repairer license if an applicant has been convicted of violating laws relating to the business or certain other crimes, such as fraud. Current law requires applicants for licenses and license renewals to disclose any such conviction that occurred within five years before their application.

The bill instead requires new license applicants to submit to state criminal history records checks, as required by state law, no more than 30 days before applying for a license. They must do so based on their names and birthdates and provide the results to DMV.

For license renewals, the bill requires applicants to disclose any conviction of a crime related to their business or certain other crimes, not just those that occurred in the previous five years. It also requires applicants to make this disclosure under penalty of false statement.



Making a false statement is a class A misdemeanor, punishable by up to one year in prison, a maximum \$2,000 fine, or both.

#### **§ 4 — APPROVAL OF MOTOR VEHICLE DEALERSHIPS AND REPAIR SHOPS**

By law, a motor vehicle dealer or repairer seeking a license from DMV must present the department with a certificate showing that the business location has been approved by a zoning authority (e.g., the board of appeals) of the town where the business is proposed. Current law provides two different procedures for approving the location of a dealership or repair shop, depending on the town's population.

The bill merges the two procedures and eliminates a requirement that motor vehicle dealers or repairers obtain approval of local or state police when seeking to locate a dealership or repair shop in a municipality with fewer than 20,000 people. The bill instead requires that dealers and repairers proposing business locations in municipalities of any size obtain the approval of the local (1) building official and (2) fire marshal. It retains current law's exemption for certain ownership transfers (e.g., between family members). By law, failure to comply is punishable by a fine of up to \$1,000 (CGS § 14-51a).

#### **§ 5 — DEALERS FILING MOTOR VEHICLE REGISTRATIONS**

The bill (1) generally eliminates a motor vehicle dealer's ability to apply in person to DMV for a registration and (2) requires that dealers who apply to DMV for an average of seven or more permanent registrations per month do so electronically. (Currently, the commissioner may require this of dealers who average 10 or more such applications.) But it allows a dealer to apply for a hardship exemption from electronic filing, such as when it is unable to communicate with DMV electronically. Dealers must request the exemption in writing.

The bill allows DMV to enter into one or more agreements with nonprofit motor vehicle dealer associations in which the association files registration applications on behalf of individual dealers for which electronic filing is a hardship. DMV may authorize the association to charge participating dealers a convenience fee, as determined by the

commissioner, for this service.

## **§ 6 — ADMINISTRATIVE PER SE HEARINGS**

By law, motorists implicitly consent to be tested for drugs or alcohol when they drive a vehicle. The law establishes administrative license suspension procedures, including a hearing, for drivers who refuse to submit to a test or whose test indicates an elevated blood alcohol content (BAC).

Under current law, a DMV hearing officer or the person who is the subject of such a hearing may, on a showing of good cause, ask the DMV commissioner for a continuance. The bill allows DMV to also request a continuance for good cause.

## **§ 8 — AVOIDING OR TAMPERING WITH AN IGNITION INTERLOCK DEVICE**

By law, the DMV commissioner or a court may order people convicted of certain crimes to drive only a vehicle equipped with an ignition interlock device. An ignition interlock is a breath-testing device connected to a motor vehicle's ignition system that prevents the driver from operating the vehicle if the driver's BAC exceeds a pre-determined threshold.

The law prohibits people convicted of DUI, 2<sup>nd</sup> degree manslaughter with a motor vehicle or 2<sup>nd</sup> degree assault with a motor vehicle from seeking to circumvent this ignition interlock requirement by (1) asking someone else to blow into the device, (2) driving a vehicle that is not so equipped, or (3) tampering with or bypassing the device (see BACKGROUND on penalties).

The bill extends this prohibition to any law requiring the use of such a device. It therefore applies the prohibition to, among others, a person ordered to drive only a vehicle with an ignition interlock following an administrative per se proceeding (see BACKGROUND on administrative per se).

## **§ 9 — SCHOOL TRANSPORTATION VEHICLE DRIVERS AGE 70 AND OLDER**

Current law allows people age 70 or older to transport special education students if the driver (1) meets minimum physical requirements set by the commissioner and (2) has a physical exam (a) twice a year or (b) when asked to do so by a school superintendent.

The bill reduces the frequency of the physical exam to once annually but requires that a federally certified medical examiner conduct it. It requires the driver to have more frequent physical exams if either a school superintendent or the medical examiner requests it.

By law, drivers transporting public passengers must comply with medical qualifications under federal law (CGS § 14-44 (b)). Federal law and regulations require commercial motor vehicle drivers to obtain a medical examiner's certificate. The physical examination must be conducted by a licensed medical examiner listed on the FMCSA National Registry (49 CFR § 391.43).

#### **§ 10 — SUSPENSION OF PROSECUTION AND TREATMENT FOR ALCOHOL OR DRUG DEPENDENCY**

The law allows a court to suspend the prosecution of, and instead order treatment for, certain people charged with a crime who are found to be alcohol or drug dependent. Successful completion of the treatment may result in dismissal of the charges if certain conditions are met (CGS § 17a-697).

Under current law, a person is ineligible for these provisions if she or she is charged with, among other crimes, DUI or 2<sup>nd</sup> degree assault with a motor vehicle, except that a court may waive ineligibility. The bill adds to the ineligibility and waiver provisions persons charged with DUI who are younger than age 21.

The bill prohibits a court from waiving ineligibility for anyone charged with any of the above three crimes, as well as 2<sup>nd</sup> degree manslaughter with a motor vehicle if, at the time the crime occurred, he or she (1) was operating a commercial motor vehicle or (2) held a CDL or commercial driver's instruction permit.

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**§ 11 — ALLOWING MOTOR VEHICLE INSPECTORS TO CARRY WEAPONS ON SCHOOL GROUNDS**

The bill allows a properly designated and certified motor vehicle inspector to carry a weapon on school grounds while performing his or her official duties. By law, motor vehicle inspectors have authority to make arrests or issue citations for violations of motor vehicle statutes (CGS § 14-8). They must be certified according to state law (CGS § 7-294d). Illegal possession of a weapon on school grounds is a class D felony, punishable by a fine of up to \$5,000, up to five years imprisonment, or both.

**§ 12 — DMV ANNUAL AND MONTHLY REPORTING REQUIREMENTS**

The bill requires DMV to submit to the Transportation Committee monthly and annual reports on wait times at DMV offices.

It requires, starting August 15, 2016, DMV to report to the committee each month on the length of wait times. Each report must include, for the prior month and for each office that uses a numbered ticketing system, (1) the average wait time from the point at which a customer receives a numbered ticket to the point at which the customer is served, (2) whether the average wait time decreased or increased from the previous month, and (3) the number of transactions at each office that could have been conducted online. Each monthly report must also include the number of transactions conducted on DMV's website in the previous month.

Starting January 15, 2017, the department must report annually to the committee, (1) identifying specific goals for acceptable wait times at DMV offices, (2) summarizing steps DMV has taken in the prior year to achieve those goals, and (3) including a strategy to achieve or exceed those goals in the coming year. The committee may hold a public hearing within 30 days of receiving the report. The commissioner, or his designee, must testify at any such hearing.

**BACKGROUND*****Infractions***

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be other added charges depending on the type of infraction. For example, certain motor vehicle infractions trigger a Transportation Fund surcharge of 50% of the fine. With the various additional charges, the total amount due can be over \$300 but often is less than \$100.

An infraction is not a crime, and violators can pay the fine by mail without making a court appearance.

### ***Inspection Authority***

A person having inspection authority means any motor vehicle inspector or state or municipal police officer who has satisfactorily completed 80 hours of on-the-job training and an FMCSA course in federal safety regulations, among other things. To maintain inspection authority, motor vehicle inspectors must annually receive in-service training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. The DMV commissioner determines the type and extent of training (Conn. Agency Regs. § 14-163c-9).

### ***Penalties for Bypassing or Tampering with an Ignition Interlock Device***

By law, any person who (1) solicits someone else to blow into the device or (2) tampers with or bypasses the device, commits a class C misdemeanor, punishable by up to three months in prison, a fine of up to \$500, or both.

A person who operates a motor vehicle not equipped with the required ignition interlock is subject to the following penalties:

A first violation is punishable by a fine of between \$500 and \$1,000 and imprisonment for up to one year, with a 30-day mandatory minimum. A second violation is punishable by a fine of between \$500 and \$1,000 and imprisonment for up to two years, with a 120-day mandatory minimum. A third violation is punishable by a fine of

between \$500 and \$1,000 and imprisonment for up to three years, with a one-year mandatory minimum. In each case, the court is not required to impose the mandatory minimum sentence if it finds mitigating circumstances and states them in writing (CGS § 14-215).

In addition, the DMV commissioner must suspend for one year the driver's license of a person convicted of any of these violations.

***“Administrative Per Se” License Suspension***

By law, motorists implicitly consent to be tested for drugs or alcohol when they drive. The law establishes administrative license suspension procedures for drivers who refuse to submit to a test or whose test results indicate an elevated BAC. This administrative procedure is called “administrative per se.” Administrative license suspension penalties are in addition to any suspension penalties imposed as a result of conviction on any criminal DUI charge (CGS § 14-227b).

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea 33      Nay 0      (03/15/2016)